

MESSAGE NO: 3245209

MESSAGE DATE: 09/02/2003

MESSAGE STATUS: Active

CATEGORY: Countervailing

TYPE: ORD-Order

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-580-851

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 08/11/2003

TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF COUNTERVAILING DUTY ORDER: DYNAMIC RANDOM ACCESS
MEMORY SEMICONDUCTORS FROM REPUBLIC OF KOREA (C-580-851)

MESSAGE NO: 3245209

DATE: 09 02 2003

CATEGORY: CVD

TYPE: ORD

REFERENCE:

REFERENCE DATE:

CASES: C - 580 - 851

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PERIOD COVERED: 08 11 2003 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF COUNTERVAILING DUTY ORDER: DYNAMIC RANDOM
ACCESS MEMORY SEMICONDUCTORS FROM REPUBLIC OF
KOREA (C-580-851)

1. ON AUGUST 11, 2003, THE DEPARTMENT OF COMMERCE PUBLISHED IN
THE FEDERAL REGISTER (68 FR 47546) ITS NOTICE OF COUNTERVAILING
DUTY (CVD) ORDER ON DYNAMIC RANDOM ACCESS MEMORY SEMICONDUCTORS

(DRAMS) FROM THE REPUBLIC OF KOREA (KOREA). UPON THE REQUEST OF
THE BUREAU OF CUSTOMS AND BORDER PROTECTION (CUSTOMS), COMMERCE

IS ISSUING FIVE SEPARATE MESSAGES REGARDING THIS CVD ORDER. THIS

IS MESSAGE FIVE OF THE FIVE SEPARATE MESSAGES REGARDING THIS CVD ORDER.

2. THE PRODUCTS COVERED BY THIS INVESTIGATION ARE DYNAMIC RANDOM ACCESS MEMORY SEMICONDUCTORS (DRAMS) FROM KOREA, WHETHER

ASSEMBLED OR UNASSEMBLED. ASSEMBLED DRAMS INCLUDE ALL PACKAGE TYPES. UNASSEMBLED DRAMS INCLUDE PROCESSED WAFERS, UNCUT DIE, AND CUT DIE. PROCESSED WAFERS FABRICATED IN KOREA, BUT ASSEMBLED INTO FINISHED SEMICONDUCTORS (DRAMS) OUTSIDE KOREA ARE ALSO INCLUDED IN THE SCOPE. PROCESSED WAFERS FABRICATED OUTSIDE KOREA AND ASSEMBLED INTO FINISHED SEMICONDUCTORS IN KOREA ARE NOT INCLUDED IN THE SCOPE.

THE SCOPE OF THIS INVESTIGATION ADDITIONALLY INCLUDES MEMORY MODULES CONTAINING DRAMS FROM KOREA. A MEMORY MODULE IS A COLLECTION OF DRAMS, THE SOLE FUNCTION OF WHICH IS MEMORY. MEMORY MODULES INCLUDE SINGLE IN-LINE PROCESSING MODULES, SINGLE IN-LINE MEMORY MODULES, DUAL IN-LINE MEMORY MODULES, SMALL OUTLINE DUAL IN-LINE MEMORY MODULES, RAMBUS IN-LINE MEMORY MODULES, AND MEMORY CARDS OR OTHER COLLECTIONS OF DRAMS, WHETHER

UNMOUNTED OR MOUNTED ON A CIRCUIT BOARD. MODULES THAT CONTAIN OTHER PARTS THAT ARE NEEDED TO SUPPORT THE FUNCTION OF MEMORY ARE

COVERED. ONLY THOSE MODULES THAT CONTAIN ADDITIONAL ITEMS WHICH ALTER THE FUNCTION OF THE MODULE TO SOMETHING OTHER THAN MEMORY, SUCH AS VIDEO GRAPHICS ADAPTER BOARDS AND CARDS, ARE NOT INCLUDED IN THE SCOPE. THIS INVESTIGATION ALSO COVERS FUTURE DRAMS MODULE TYPES.

THE SCOPE OF THIS INVESTIGATION ADDITIONALLY INCLUDES, BUT IS NOT LIMITED TO, VIDEO RANDOM ACCESS MEMORY, AND SYNCHRONOUS GRAPHICS RAM, AS WELL AS VARIOUS TYPES OF DRAMS, INCLUDING FAST PAGE-MODE, EXTENDED DATA-OUT, BURST EXTENDED DATA-OUT, SYNCHRONOUS DYNAMIC RAM, RAMBUS DRAM, AND DOUBLE DATA RATE DRAM.

THE SCOPE ALSO INCLUDES ANY FUTURE DENSITY, PACKAGING, OR

ASSEMBLING OF DRAMS. ALSO INCLUDED IN THE SCOPE OF THIS INVESTIGATION ARE REMOVABLE MEMORY MODULES PLACED ON MOTHERBOARDS, WITH OR WITHOUT A CENTRAL PROCESSING UNIT, UNLESS THE IMPORTER OF THE MOTHERBOARDS CERTIFIES WITH THE CUSTOMS SERVICE THAT NEITHER IT, NOR A PARTY RELATED TO IT OR UNDER CONTRACT TO IT, WILL REMOVE THE MODULES FROM THE MOTHERBOARDS AFTER IMPORTATION. THE SCOPE OF THIS INVESTIGATION DOES NOT INCLUDE DRAMS OR MEMORY MODULES THAT ARE RE-IMPORTED FOR REPAIR OR REPLACEMENT, PROVIDED THAT THE IMPORTING COMPANY CAN DEMONSTRATE THAT THE DRAMS OR MEMORY MODULES ARE BEING RE-IMPORTED FOR REPAIR OR REPLACEMENT TO THE SATISFACTION OF CUSTOMS.

THE DRAMS SUBJECT TO THIS INVESTIGATION ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 8542.21.8005 AND 8542.21.8021 THROUGH 8542.21.8029 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS"). THE MEMORY MODULES CONTAINING DRAMS FROM KOREA, DESCRIBED ABOVE, ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 8473.30.10.40 OR 8473.30.10.80 OF THE HTSUS.

REMOVABLE MEMORY MODULES PLACED ON MOTHERBOARDS, DESCRIBED ABOVE,

ARE CLASSIFIABLE UNDER SUBHEADING 8471.50.0085. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE DEPARTMENT'S WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION REMAINS DISPOSITIVE.

3. FOR DIRECT IMPORTS FROM KOREA AND MERE TRANSSHIPMENTS THROUGH THIRD COUNTRIES (IN OTHER WORDS, INDIRECT IMPORTS) OF KOREAN DRAMS AND MEMORY MODULES PRODUCED BY A SINGLE KOREAN MANUFACTURER, EXCEPT FOR DRAMS AND MEMORY MODULES FROM THE REPUBLIC OF KOREA MANUFACTURED SOLELY BY SAMSUNG ELECTRONICS CO.,

LTD (C-580-851-002), WHICH HAD A DE MINIMIS RATE, CUSTOMS SHALL CONTINUE TO SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER APRIL 07, 2003. EFFECTIVE AUGUST 11, 2003, CUSTOMS SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT EQUAL TO THE SUBSIDY RATE SHOWN BELOW:

MANUFACTURER/PRODUCER/ EXPORTER	CUSTOMS ID NUMBER	AD VALOREM SUBSIDY RATE
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HYNIX SEMICONDUCTOR INC.

(FORMERLY, HYUNDAI ELECTRONICS

INDUSTRIES CO., LTD.) C-580-851-001 44.29 PERCENT

ALL OTHERS C-580-851-000 44.29 PERCENT

CUSTOMS SHALL DETERMINE THE APPLICABLE AD VALOREM SUBSIDY RATE (OR EXCEPTION TO THE RATE, IN THE CASE OF SAMSUNG ELECTRONICS CO.) BASED ON THE MANUFACTURER OF THE DRAMS OR THE DRAMS CONTAINED IN MEMORY MODULES.

4. THE SCOPE OF THIS INVESTIGATION INCLUDES DRAMS PACKAGED AND/OR ASSEMBLED IN ALL COUNTRIES THAT CONTAIN UNASSEMBLED KOREAN DRAMS.

THE IMPORTER OF ASSEMBLED DRAMS MAY CERTIFY WITH CUSTOMS THAT THE

ASSEMBLED DRAMS DO NOT CONTAIN ANY UNASSEMBLED KOREAN DRAMS, IN WHICH CASE, NO SUSPENSION OF LIQUIDATION IS REQUIRED. FOR NO SUSPENSION OF LIQUIDATION TO BE REQUIRED, AN OFFICIAL OF THE COMPANY IMPORTING THE ASSEMBLED DRAMS MUST CERTIFY THE FOLLOWING:

I, HEREBY, CERTIFY THAT I AM AN OFFICIAL OF (COMPANY IMPORTING DRAMS), THAT I HAVE KNOWLEDGE OF THE FACTS REGARDING THE IMPORTATION OF THESE ASSEMBLED DRAMS, AND THAT THESE ASSEMBLED DRAMS DO NOT CONTAIN UNASSEMBLED KOREAN DRAMS. THE CERTIFYING OFFICIAL NEED NOT BE AN EXECUTIVE OF THE COMPANY. AGENTS OF THE IMPORTER, SUCH AS BROKERS, ARE NOT PERMITTED TO MAKE SUCH A CERTIFICATION.

FOR ALL ENTRIES OF ASSEMBLED DRAMS, IF THE COMPANY IMPORTING THE ASSEMBLED DRAMS CANNOT OR DOES NOT MAKE THE ABOVE CERTIFICATION, CUSTOMS SHALL REQUIRE AN OFFICIAL OF THE IMPORTING COMPANY TO SUBMIT TO CUSTOMS A LIST IDENTIFYING THE FOLLOWING

INFORMATION ABOUT THE ENTIRE ENTRY:

A) THE AMOUNT OF KOREAN MEGABITS CONTAINED IN THE ASSEMBLED DRAMS;

B) THE NAMES OF EACH KOREAN DRAM MANUFACTURER THAT PRODUCED THE KOREAN MEGABITS CONTAINED IN THE ASSEMBLED DRAMS; AND

C) THE AMOUNT OF KOREAN MEGABITS PRODUCED BY EACH OF THESE KOREAN DRAM MANUFACTURERS.

IF THE UNASSEMBLED KOREAN DRAMS CONTAINED IN THE ASSEMBLED DRAMS WERE PRODUCED BY A SINGLE KOREAN MANUFACTURER, CUSTOMS SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE COMPANY-SPECIFIC AD VALOREM RATE LISTED IN PARAGRAPH 3. CUSTOMS SHALL APPLY THE AD VALOREM RATE TO THE TOTAL ENTERED VALUE OF THE ASSEMBLED DRAMS. AS NOTED IN PARAGRAPH 3, NO SUSPENSION OF LIQUIDATION OR DEPOSIT IS REQUIRED FOR UNASSEMBLED OR ASSEMBLED DRAMS MANUFACTURED SOLELY BY SAMSUNG ELECTRONICS, CO. LTD.

TO CALCULATE THE REQUIRED DEPOSIT FOR EACH MANUFACTURER USING A MANUFACTURER-SPECIFIC, PER-MEGABIT RATE, CUSTOMS SHALL MULTIPLY THE APPLICABLE MANUFACTURER-SPECIFIC, PER-MEGABIT RATE BY THE TOTAL AMOUNT OF KOREAN MEGABITS CONTAINED IN THE DRAMS PRODUCED BY THAT MANUFACTURER.

IF THE UNASSEMBLED KOREAN DRAMS CONTAINED IN THE ASSEMBLED DRAMS WERE PRODUCED BY MULTIPLE PRODUCERS, CUSTOMS SHALL REQUIRE

A MANUFACTURER-SPECIFIC, PER-MEGABIT CASH DEPOSIT FOR THE AMOUNT OF KOREAN MEGABITS PRODUCED BY EACH KOREAN MANUFACTURER. THE MANUFACTURER-SPECIFIC, PER-MEGABIT DEPOSIT RATES ARE LISTED IN PARAGRAPH 7, BELOW.

IF THE IMPORTER IS UNABLE OR UNWILLING TO IDENTIFY THE AMOUNT OF MEGABITS CONTAINED IN THE ASSEMBLED DRAMS THAT ARE PRODUCED BY

EACH OF THE VARIOUS KOREAN DRAM MANUFACTURERS, BUT CAN IDENTIFY THE TOTAL AMOUNT OF KOREAN MEGABITS CONTAINED IN THE ASSEMBLED DRAMS, CUSTOMS SHALL APPLY THE HIGHEST PER MEGABIT RATE CALCULATED FOR ANY COMPANY LISTED IN PARAGRAPH 7 TO ALL OF THE KOREAN MEGABITS CONTAINED IN THE ASSEMBLED DRAMS.

IF THE IMPORTER IS UNABLE OR UNWILLING TO IDENTIFY THE TOTAL AMOUNT OF KOREAN MEGABITS CONTAINED IN THE ASSEMBLED DRAMS, INCLUDING DRAMS CONTAINING MEGABITS WITH MIXED COUNTRIES OF ORIGIN, CUSTOMS SHALL APPLY THE HIGHEST AD VALOREM RATE CALCULATED FOR ANY COMPANY LISTED IN PARAGRAPH 3 TO THE TOTAL ENTERED VALUE OF THE DRAMS.

IF THE IMPORTER CAN IDENTIFY THE NAMES OF THE VARIOUS KOREAN DRAM MANUFACTURERS THAT PRODUCED THE MEGABITS CONTAINED IN THE ASSEMBLED DRAMS, BUT IS UNABLE OR UNWILLING TO IDENTIFY THE AMOUNT OF MEGABITS PRODUCED BY EACH OF THE VARIOUS KOREAN DRAM MANUFACTURERS, CUSTOMS SHALL APPLY THE HIGHEST MANUFACTURER-SPECIFIC, PER MEGABIT RATE LISTED IN PARAGRAPH 7 FOR ANY OF THE KOREA DRAM MANUFACTURERS WHOSE UNASSEMBLED DRAMS ARE INCLUDED IN

THE ASSEMBLED DRAMS. CUSTOMS SHALL APPLY THIS RATE TO THE TOTAL AMOUNT OF MEGABITS CONTAINED IN THE ASSEMBLED DRAMS.

CUSTOMS SHALL DETERMINE THE APPLICABLE AD VALOREM SUBSIDY RATE OR MANUFACTURER-SPECIFIC, PER MEGABIT RATE (OR EXCEPTION TO THE RATES, IN THE CASE OF SAMSUNG ELECTRONICS CO., LTD.) BASED ON THE MANUFACTURER OF THE UNASSEMBLED DRAMS CONTAINED IN THE ASSEMBLED DRAMS.

5. THE SCOPE OF THIS INVESTIGATION INCLUDES MEMORY MODULES FROM ALL THIRD COUNTRIES THAT CONTAIN KOREAN DRAMS (ASSEMBLED OR UNASSEMBLED). THE IMPORTER OF MEMORY MODULES MAY CERTIFY WITH CUSTOMS THAT THE MEMORY MODULES DO NOT CONTAIN ANY KOREAN DRAMS,

IN WHICH CASE, NO SUSPENSION OF LIQUIDATION IS REQUIRED. FOR NO SUSPENSION OF LIQUIDATION TO BE REQUIRED, AN OFFICIAL OF THE

COMPANY IMPORTING THE MEMORY MODULES MUST CERTIFY THE FOLLOWING:

I, HEREBY, CERTIFY THAT I AM AN OFFICIAL OF (COMPANY IMPORTING MEMORY MODULES), THAT I HAVE KNOWLEDGE OF THE FACTS REGARDING THE IMPORTATION OF THESE MEMORY MODULES, AND THAT THESE MEMORY MODULES DO NOT CONTAIN KOREAN DRAMS. THE CERTIFYING OFFICIAL NEED NOT BE AN EXECUTIVE OF THE COMPANY. AGENTS OF THE IMPORTER, SUCH AS BROKERS, ARE NOT PERMITTED TO MAKE SUCH A CERTIFICATION.

FOR ALL ENTRIES OF MEMORY MODULES, IF THE COMPANY IMPORTING THE MEMORY MODULES CANNOT OR DOES NOT MAKE THE ABOVE CERTIFICATION, CUSTOMS SHALL REQUIRE AN OFFICIAL OF THE IMPORTING COMPANY TO SUBMIT TO CUSTOMS A LIST IDENTIFYING THE FOLLOWING INFORMATION:

A) THE AMOUNT OF KOREAN MEGABITS CONTAINED IN THE MEMORY MODULES;

B) THE NAMES OF EACH KOREAN DRAM MANUFACTURER THAT PRODUCED THE KOREAN MEGABITS CONTAINED IN THE MEMORY MODULES; AND

C) THE AMOUNT OF KOREAN MEGABITS PRODUCED BY EACH OF THESE KOREAN DRAM MANUFACTURERS.

IF THE KOREAN DRAMS CONTAINED IN THE MEMORY MODULES WERE PRODUCED BY A SINGLE KOREAN MANUFACTURER, CUSTOMS SHALL REQUIRE A

CASH DEPOSIT EQUAL TO THE COMPANY-SPECIFIC AD VALOREM RATE LISTED IN PARAGRAPH 3. CUSTOMS SHALL APPLY THE AD VALOREM RATE TO THE TOTAL ENTERED VALUE OF THE MEMORY MODULES. AS NOTED IN PARAGRAPH 3, NO SUSPENSION OF LIQUIDATION OR DEPOSIT IS REQUIRED FOR MEMORY MODULES MANUFACTURED SOLELY BY SAMSUNG ELECTRONICS, CO. LTD.

IF THE KOREAN DRAMS CONTAINED IN THE MEMORY MODULES WERE PRODUCED BY MULTIPLE PRODUCERS, CUSTOMS SHALL REQUIRE A

MANUFACTURER-SPECIFIC, PER-MEGABIT CASH DEPOSIT FOR THE AMOUNT OF

KOREAN MEGABITS PRODUCED BY EACH KOREAN MANUFACTURER. THE MANUFACTURER-SPECIFIC, PER-MEGABIT DEPOSIT RATES ARE LISTED IN PARAGRAPH 7, BELOW.

TO CALCULATE THE REQUIRED DEPOSIT FOR EACH MANUFACTURER USING A PER-MEGABIT RATE, CUSTOMS SHALL MULTIPLY THE APPLICABLE MANUFACTURER-SPECIFIC, PER-MEGABIT RATE BY THE TOTAL AMOUNT OF KOREAN MEGABITS CONTAINED IN THE DRAMS PRODUCED BY THAT MANUFACTURER.

IF THE IMPORTER IS UNABLE OR UNWILLING TO IDENTIFY THE AMOUNT OF MEGABITS CONTAINED IN THE MEMORY MODULES THAT ARE PRODUCED BY EACH OF THE VARIOUS KOREAN DRAM MANUFACTURERS, BUT CAN IDENTIFY THE TOTAL AMOUNT OF KOREAN MEGABITS CONTAINED IN THE MEMORY MODULES, CUSTOMS SHALL APPLY THE HIGHEST PER MEGABIT RATE CALCULATED FOR ANY COMPANY LISTED IN PARAGRAPH 7 TO ALL KOREAN MEGABITS CONTAINED IN THE MEMORY MODULES.

IF THE IMPORTER IS UNABLE OR UNWILLING TO IDENTIFY THE TOTAL AMOUNT OF KOREAN MEGABITS CONTAINED IN THE MEMORY MODULES, INCLUDING DRAMS CONTAINING MEGABITS WITH MIXED COUNTRIES OF ORIGIN, CUSTOMS SHALL APPLY THE HIGHEST AD VALOREM RATE CALCULATED FOR ANY COMPANY LISTED IN PARAGRAPH 3 TO THE TOTAL ENTERED VALUE OF THE MEMORY MODULES.

IF THE IMPORTER CAN IDENTIFY THE NAMES OF THE VARIOUS KOREAN DRAM MANUFACTURERS THAT PRODUCED THE MEGABITS CONTAINED IN THE MEMORY MODULES, BUT IS UNABLE OR UNWILLING TO IDENTIFY THE AMOUNT OF MEGABITS PRODUCED BY EACH OF THE VARIOUS KOREAN DRAM MANUFACTURERS THAT, CUSTOMS SHALL APPLY THE HIGHEST MANUFACTURER-

SPECIFIC, PER MEGABIT RATE LISTED IN PARAGRAPH 7 FOR ANY OF THE KOREA DRAM MANUFACTURERS WHOSE DRAMS ARE CONTAINED IN THE MEMORY

MODULES. CUSTOMS SHALL APPLY THIS RATE TO THE TOTAL AMOUNT OF MEGABITS CONTAINED IN THE MEMORY MODULES.

CUSTOMS SHALL DETERMINE THE APPLICABLE AD VALOREM SUBSIDY RATE

OR MANUFACTURER-SPECIFIC, PER MEGABIT RATE (OR EXCEPTION TO THE RATES, IN THE CASE OF SAMSUNG ELECTRONICS CO., LTD.) BASED ON THE MANUFACTURER OF THE DRAMS CONTAINED IN THE MEMORY MODULES.

6. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED THE FOLLOWING INVESTIGATION NUMBER: C-580-851. FOR CUSTOMS PURPOSES, FOR ALL ASSEMBLED DRAMS FROM THIRD COUNTRIES THAT CONTAIN KOREAN DRAMS (UNASSEMBLED OR ASSEMBLED) AND FOR ALL MEMORY MODULES FROM THIRD COUNTRIES THAT CONTAIN KOREAN DRAMS (UNASSEMBLED OR ASSEMBLED), THE FOLLOWING COUNTRIES HAVE BEEN ASSIGNED THEIR OWN CASE NUMBER. THE FIRST THREE DIGITS REPRESENT THE COUNTRY IN QUESTION, THE NEXT THREE DIGITS WILL BE 222, AND THE LAST THREE DIGITS WILL BE THE SAME AS IN THE COMMERCE CASE FOR EACH RESPECTIVE MANUFACTURER. THE FIRST SIX DIGITS ARE GIVEN BELOW:

INDONESIA	C-560-222
PORTUGAL	C-471-222

THIS LIST IS FOR CONVENIENCE AND CUSTOMS PURPOSES AND MAY BE AMENDED, DEPENDING ON CHANGES IN PATTERNS OF TRADE. IF AN IMPORT SPECIALIST SHOULD BECOME AWARE OF SHIPMENTS WITHIN THE SCOPE OF THIS COUNTERVAILING DUTY INVESTIGATION FROM THIRD COUNTRIES NOT IN THE AD/CVD MODULE, THEY SHOULD CONTACT CUSTOMS HEADQUARTERS IMMEDIATELY. CUSTOMS HEADQUARTERS SHOULD NOTIFY THE DEPARTMENT OF COMMERCE ABOUT SUCH SHIPMENTS.

7. FOR PURPOSES OF CASH DEPOSITS BASED ON PER MEGABIT AMOUNTS UNDER PARAGRAPHS 4 AND 5 ABOVE, THE PER MEGABIT DEPOSIT RATES TO BE APPLIED TO THE AMOUNT OF MEGABITS CONTAINED IN THE ASSEMBLED DRAMS OR MEMORY MODULES ARE AS FOLLOWS:

MANUFACTURER/PRODUCER/ EXPORTER	IDENTIFICATION NUMBER	WEIGHTED-AVERAGE PER MEGABIT RATE (IN US DOLLARS)
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HYNIX SEMICONDUCTOR INC.
(FORMERLY, HYUNDAI ELECTRONICS
INDUSTRIES CO., LTD.) C-580-851-001 \$0.012

ALL OTHERS C-580-851-000 \$0.012

8. THE DEPARTMENT OF COMMERCE FOUND THAT NO FINAL COUNTERVAILING DUTY IS APPLICABLE TO IMPORTS OF DRAMS AND MEMORY MODULES FROM THE REPUBLIC OF KOREA THAT WERE MANUFACTURED BY SAMSUNG ELECTRONICS CO., LTD (C-580-851-002). THEREFORE, DRAMS AND MEMORY MODULES MANUFACTURED BY SAMSUNG ELECTRONICS CO., LTD. ARE EXCLUDED FROM THIS ORDER.

9. THIS IS A CLARIFICATION OF MESSAGE MESSAGES 3192215, 3192216, 3192217 AND 3192218 (PRELIMINARY DETERMINATION), AND 3192211, 3192212, 3192213 AND 3192214 (FINAL DETERMINATION): MERCHANDISE COVERED BY THIS INVESTIGATION THAT ENTERED THE UNITED STATES PRIOR TO THE INITIAL SUSPENSION OF LIQUIDATION ON APRIL 7, 2003, IS NOT SUBJECT TO DEPOSIT REQUIREMENTS ON ANY SUBSEQUENT IMPORTATION INTO THE UNITED STATES IF THE IMPORTER CAN DEMONSTRATE TO THE SATISFACTION OF CUSTOMS THAT THE MERCHANDISE ENTERING IN THE SUBSEQUENT IMPORTATION IS THE SAME MERCHANDISE THAT FIRST ENTERED THE UNITED STATES PRIOR TO APRIL 7, 2003.

IN ADDITION, IF MERCHANDISE COVERED BY THIS INVESTIGATION IS IMPORTED AND SUBJECT TO A COUNTERVAILING DUTY DEPOSIT, AND IS THEN EXPORTED FOR FURTHER PROCESSING OR TESTING AND IS SUBSEQUENTLY RE-IMPORTED, THE MERCHANDISE IS NOT SUBJECT TO A DEPOSIT AT THE TIME OF THE SECOND IMPORTATION IF THE IMPORTER CAN DEMONSTRATE TO THE SATISFACTION OF CUSTOMS THAT THE MERCHANDISE ENTERING IN THE SECOND (SUBSEQUENT) IMPORTATION IS THE SAME MERCHANDISE THAT FIRST ENTERED THE UNITED STATES AND THAT A COUNTERVAILING DUTY DEPOSIT WAS MADE AT THE TIME OF THE FIRST ENTRY. OTHERWISE, CUSTOMS SHALL REQUIRE A DEPOSIT ACCORDING TO THE ABOVE INSTRUCTIONS.

THIS PARAGRAPH SHALL BE APPLIED RETROACTIVELY, TO ALL UNLIQUIDATED ENTRIES OF DRAMS AND MEMORY MODULES AND TO ALL FUTURE ENTRIES.

10. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THE IMPORTING PUBLIC, OR INTERESTED PARTIES PLEASE CONTACT RYAN LANGAN, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-2613 OR

RYANLANGANITA.DOC.GOV

11. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party